IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3326 OF 2005

Smt.Prabha G. Jagtap ...Applicant
Vs.
The State of Maharashtra ...Respondent

Mr.S.S. Salunkhe for the Applicant.
Ms. Sangeeta D. Shinde A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATED : JULY 06, 2005.

P.C.:
1. Heard Counsel appearing for the parties.

2. The learned Counsel appering for the Applicant submitted that bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 will not be attracted as the F.I.R. itself does not disclose comission of any offence by the Applicant as mentioned in any of the clauses of Section 3 of the said Act. He has placed reliance on the decision of the learned Single Judge of this Court reported in 1995(2) Maharashtra Law Journal, 669 (Ramchandra Govindrao Watkar Vs. The State of Maharashtra) and submitted that as the allegations made in the F.I.R do not disclose the commission of the offence under section 3 of the said Act of 1989, relief can be granted in favour of the Applicant under section 438 of the Code of Criminal Procedure, 1973.

3. After having heard the Advocate for the Applicant and the learned A.P.P. and after having perused the material placed on record by the learned A.P.P. it is very difficult to agree at this stage with the submission made by the learned Counsel for that that no case is made out for commission of offence under the said Act of 1989. Therefore, from the material which is placed on record, at this stage the bar under section 18 of the said Act of 1989 will obviously apply.

4. The learned Counsel appearing for the Applicant submitted that the Applicant is a woman and she is working as Head Mistress and therefore, sufficient time be granted to her to surrender before the appropriate court and if application for bail is made by the Applicant, the same may be ordered to be decided immediately.

5. Hence, the Application is rejected. However, time of two weeks is granted to the Applicant to surrender before the appropriate Court. It will be open for the Applicant to apply for the regular bail on surrender before the appropriate court and if any such application is made, same shall be decided

immediatedly and preferably on very same day on its own merits. The Applicant will serve 48 hours advance notice to the Investigating Officer before surrendering before the appropriate court.

. Parties to act upon an authenticated copy of this order.

JUDGE